

**ARIZONA SUPREME COURT
COMMISSION ON MINORITIES**

PROGRESS REPORT

June 1994 - May 1996

Commission on Minorities in the Judicial Department

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The Honorable Stanley G. Feldman
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1501 W. Washington
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Dear Chief Justice Feldman:

I am pleased on behalf of the Commission On Minorities to submit our progress report to the Arizona Judicial Council. This report represent the efforts of the Commission since its reactivation under a new mandate in May of 1994.

For the past 24 months the members of the Commission have reviewed, discussed and analyzed vast amounts of testimonial and documentary information regarding the impact of racial and ethnic bias in the Arizona court system. For many of us this was a singularly enlightening experience that we found both discouraging and encouraging. Although the magnitude of the problems appear to be insurmountable at times, we are greatly heartened by the enthusiasm, perseverance and goodwill of all who have made a commitment to eradicate this moral blight from the Judicial Department. This report outlines our understanding of the problems and our constructive and practical approaches to resolutions.

We are appreciative of your past support and leadership in this project. We expect the progress we have made, as disclosed in this report, will revitalize your personal commitment and justify the continued allocation of the necessary resources to attain our objectives. No one expects these great issues of human diversity within the judicial department to be totally resolved by our efforts, but we are obligated by our humanity to move ourselves and our institutions in the right direction.

Respectfully submitted,

Gerald Richard II, Chair

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INTRODUCTION

In January, 1986 following a comprehensive examination of the legacy of racism and discrimination in the legal profession, the American Bar Association Task Force on Minorities in the Legal Profession, under the chairmanship of Phoenix attorney Calvin Udall, issued a report detailing the lack of opportunities for minorities as lawyers and judges. The report offered various corrective measures, including:

Recommendation 4. *That the association take concrete actions with regard to the judiciary in order to:*

4.1. Increase opportunities for minority lawyers to serve as federal and state judges at all levels.

Later in Arizona, Calvin Udall and a small leadership group of legislators, judges and lawyers organized themselves as the Ad Hoc Committee For Minority Opportunities in the Arizona Judiciary. In December, 1989 they met with Chief Justice Frank Gordon to discuss the need to create opportunities for minorities in the state judiciary. On April 10, 1990 the Ad Hoc Committee submitted a letter to Chief Justice Frank Gordon urging the Supreme Court to:

...take the lead in creating an environment that will result in the appointment or election of more minority attorneys to judgeships and commissioner positions, and to the hiring of more minority law schools graduates as law clerks, in the state court system. See Appendices 1.

The Supreme Court responded on June 20, 1990 by issuing Administrative Order 90-22, establishing the Commission on Minorities in the Judiciary, and declaring its commitment to increase the racial and ethnic diversity within the Arizona judiciary at all levels. See Appendices 2. Prof. Paul Bender was appointed to chair the 17 member Commission, which included Calvin Udall and Judges Michael Dann and Cecil Patterson Jr. who were members of the Ad Hoc Committee.

The Commission focused its energies on removing the barriers that were perceived to hinder the appointment of appellate and superior court judges through changes to the judicial nominating process. The Commission assisted in the formulation of and supported a constitutional amendment that, in part, restructured the judicial nominating process by expanding the membership and revising the method of appointing nominating committee members. More importantly, the amendment included language mandating that the diversity of the state's population should be considered in the selection of nominating committee members and judicial appointees. The Commission became inactive following Paul Bender's resignation in September, 1993.

In May, 1994, Chief Justice Stanley G. Feldman reactivated the Commission with a significantly broadened mandate. The membership of the Commission was expanded to 19 with the appointment of Gerald Richard as Chair and ten new members. In addition to the continuing responsibility to develop strategies, programs and policies to increase diversity in the judiciary, the broader mandate directed the Commission to:

1. achieve a meaningful increase in the number of vendors under contract to the Administrative Office of the Courts who employ minority staff and professionals to provide specialized psychological, and therapeutic treatment services for minority youth offenders;
2. where appropriate, encourage a meaningful increase in the number of minorities employed throughout the Judicial Department as clerical, administrative and professional staff with priority given to efforts to recruit qualified minority juvenile and adult probation officers and staff;
3. coordinate with other public and private sector programs that seek to address the problems created by the over-representation of minority youth in the juvenile justice system;

See Administrative Order 94-33, Appendices 3.

To effectively address the broad spectrum of issues, the Commission members organized themselves into the following four work groups with policy responsibilities that conform to the major mission topics:

1. Diversity in the Judiciary
2. Work Force Diversity
3. Juvenile Treatment Services
4. Linking Public and Private Initiatives

The following sections of this report are the reports of the individual work groups and their activities for the period June, 1994 - March, 1996. The Commission is annually funded with a budget of \$10,000 to cover the incidental cost of meetings, travel, conference fees and professional services, research and publication expenses.

The Commission meets bi-monthly and has held seven noticed meetings in both Phoenix and Tucson. The work groups have met more frequently, as often as monthly, depending on their agenda assignments.

Membership has been somewhat unstable. Two new members were added after the second Commission meeting which was followed by four resignations. In February, 1996 four new members were appointed which increased total membership to 21. Recruitment of new members is a continuous process. In June, 1996 the expiration of the terms of five members will create opportunities for several new members to fill the vacancies of those who are not reappointed. Applications to fill these vacancies are currently being processed.

ARIZONA SUPREME COURT COMMISSION ON MINORITIES WORK GROUP REPORT

DIVERSITY IN THE JUDICIARY

MEMBERSHIP

Robert D. Myers, Chair, David C. Bartlett, Leigh Lani Brown, Richard Davis

STATEMENT OF WORK GROUP GOALS

The goal of this work group is to develop policies and programs that will facilitate the growth of minority applicants seeking appointments as judges, commissioners, judges pro tempore, special masters, clerkships and internships.

REPORT

We have been communicating with the Vice Chief Justice and Annette Corallo (the Judicial Appointment Commission's staff person) about the need to ensure that the judicial nominating process is open and not intimidating to minority applicants. The documents provided by Ms. Corallo and our conversations suggest the following conclusions:

The Supreme Court and its administrative staff and committees are sensitive to the issues regarding opportunities for minority lawyers in the judiciary in this state. We come to this conclusion because:

1. The current Application for Nomination to Judicial Office was specifically amended in April, 1993, to reflect sensitivity to minority issues. The amendments were suggested by this Commission, the State Bar of Arizona, Arizona Women Lawyers' Association, National Lawyers Guild, members of the Supreme Court and its staff, and individuals, including lawyers. These are specifically enumerated in the Summary of Proposed Revisions to the Application dated March 25, 1993, Professor Paul Bender's (former Chair of the Commission on Minorities) letter to the Supreme Court dated May 15, 1992, and the State Bar's suggestions.
2. The Commissions on Appellate and Trial Court Appointments distribute to their members policy documents entitled "Commissioner Duties" and "Screening and Investigation" which sensitize the members to diversity issues.

3. The Commissions on Appointments distribute notices of vacancies on the bench to organizations which are likely to recruit minority applicants.
4. The Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments refer to Article VI, Section 36 and Section 41 of the Arizona Constitution which provide that when making recommendations the Commission shall consider the diversity of the state's population and one of the goals enumerated is to reflect the ethnic, racial and gender diversity of the state's population.
5. The recent statistics regarding judicial appointments in the Superior Court of Maricopa and Pima Counties reflect substantial emphasis on the appointment of women and minorities to the bench.
6. The minutes of the Appointment Commissions' Annual Meeting minutes dated October 26, 1994, reflect serious discussion and education about diversity issues. We are also advised by the Chief Justice, Vice Chief Justice, and Ms. Corallo that it is a policy of the Commissions that such education be part of each new Commissioner's orientation.
7. Notwithstanding the foregoing, Arizona is, at the present time, only one of six states which does not have any women, hispanics or blacks sitting on its court of last resort. See ABA Journal, December, 1995.

We have communicated with the presidents of both the black and hispanic bar associations in Maricopa County and requested suggestions for further recommendations which this Commission could consider. Although we could recommend that these and other bar associations create standing committees consisting of members (and non-members -- former judges, for example) to educate and advise the association's minority members who are interested in applying for judicial positions about the process, the politics, and the best method of receiving fair and equitable treatment, such suggestions may be considered an infringement on those associations' internal business affairs.

We have inquired of other states' commissions and committees with purposes similar to ours and have researched articles and publications supplied by the National Center for State Courts on these issues (See Appendices 6). With the exception of the Final Report 1995 of the Georgia Supreme Court Commission on Racial and Ethnic Bias in the Court System, most of the states' reports are less than comprehensive and thorough on the issue of diversity in the judiciary. We have borrowed from the excellent Georgia report in some instances. Nothing has been found which indicates that we are not already doing more than most (if not all states) to encourage minority applicants to apply for the available judicial positions in our state. On the one hand, we hesitate to report that our community is doing all that it should to promote minority applicants for these judgeships, but if it is true, perhaps we should.

In addition to the foregoing research, on March 31, 1995 we presented a panel at the Arizona Statewide Minority Bar Convention: Opportunities For Minorities On The Bench. Vice Chief Justice Moeller and several superior court judges served as panelists. The intense interest in this topic was reflected in the standing-room-only crowd that engaged the speakers in a lively,

and sometimes controversial, discussion. Although the open door policy for minorities in the judiciary described by the panel was skeptically questioned, the over-all reception was extremely favorable and constructive. We conclude that educational and orientation programs co-produced with minority bar associations are most productive and very educational for minority judicial applicants.

RECOMMENDATIONS

1. The Commission recommends that all minority bar associations continue to educate their members regarding the rules, application and practical processes which affect the application by lawyers to the Commissions on Appellate and Trial Court Appointments. This education process should include committees of lawyers, judges, former judges and others who have an interest in assisting minority lawyers in their application process for the bench. It should also include seminars to demonstrate the process of developing qualifications for the bench, judicial ethics, the appointment and election processes, the Judicial Performance Review process and laws relating to public disclosure and candidacy.
2. Because the Commission recognizes that diversity on the bench promotes a strong and independent judiciary, the Commission should continue to research the subject of diversity in the judiciary in order to seek innovative methods to encourage and promote opportunities for diversity on the bench.
3. The Commission should continue to encourage the legal and judicial communities to: be sensitive to issues which affect diversity in the judiciary; encourage members of the minority legal communities to participate in bar and civic activities, serve on and seek leadership positions in the bar and community civic committees; and apply for judicial positions and run for the office of judge.
4. Regarding persons selected to serve as judicial officers in courts which are not affected by the Superior and Appellate Court Judicial Appointment Commissions, such as municipal court magistrates, administrative law judges, and court commissioners, the appointing or designating authorities throughout the state should be requested to apply the same values relating to diversity as those observed by the Superior and Appellate Court Judicial Appointment Commissions.
5. In 1974, Arizona's citizen voters made sweeping constitutional reforms in the method of selecting appellate judges statewide and superior court judges in Maricopa and Pima Counties. Instead of direct election, these judges have been, for the last twenty years, selected through a rigorous and comprehensive evaluation process, which includes citizen involvement in the screening process, sensitivity to political diversity and final appointment by the governor of the state. Retention in office was converted from an open competition election to an approval ballot which asks voters whether these judges should be "retained in office" for another term.

In 1992, the voters again, by Constitutional amendment, substantially modified the process of selecting the state's appellate and superior court judges in Maricopa and Pima Counties. These changes included the mandate that the composition of both the screening panels and the selection of final candidates for gubernatorial appointment "reflect the diversity of the county's population." Additionally, the amended Constitution requires a process for evaluating judicial performance and the establishment of standards for performance and performance review which includes written survey opinions, public hearings and dissemination of evaluation reports to the public.

This enhanced and improved process has only been available and utilized in the 1994 judicial retention election. The November, 1996 election will be the second time the new process is utilized. In 1996, the legislature vigorously debated a series of bills which, if adopted, would have essentially reverted the process of the selection of judges (appellate and superior court in the two largest counties) to its pre-1974 status. During the legislative debate there was little evidence that the process has not been effective or that there was a need to radically reform the judicial selection or retention processes.

The Commission recommends that the Legislature maintain the current Constitutional process for the selection and retention of judges. The proposal to abolish the Judicial Nominating Commissions and allow the Governor to appoint judges with Senate approval will negatively impact the quality of the judges appointed and the opportunity to increase the diversity in the bench. Furthermore, the current selection process should be continued unchanged for a minimum of ten years in order to generate an adequate history for a meaningful evaluation of the current process. Then and only then will the citizen voters be in a position to determine whether the procedure for the selection and retention of judges should be modified and if so, the manner of modification.

6. The Commission recommends that this report be widely distributed to the citizens of Arizona in order to enhance their knowledge of the diversity issues which continue to confront Arizona judges, candidates for the bench and the Judicial Branch of government in both the selection and retention process.

WORK FORCE DIVERSITY REPORT

MEMBERSHIP

Marian Yim, Chair, Rae Chornenky, Carol Porter, Cal Udall, and Herbert I. Zinn

STATEMENT OF WORK GROUP GOALS

The goal of the work group is to develop a plan to foster and promote a diverse and culturally competent work force in the Court system.

STATEMENT OF THE SUPPORTING OBJECTIVES

Our objectives are as follows:

1. Identify the participants. Our target group includes all of the judiciary and related staff in the Arizona court system.
2. Define what we mean by diversity. Shall we include ethnic minorities only or do we address related issues including gender, disabilities, or sexual preferences?
3. Examine and recommend model plans for cultural competency and diversity management training.
4. Develop a plan of incentives for management at all levels to aggressively enhance diversity and cultural competency in the court system.

KEY ISSUES: DEFINING DIVERSITY

The threshold issue to be resolved is how to define diversity and cultural competency for the work group. Since the Commission is charged with addressing minority issues, it has been suggested that the scope of the investigation and recommendations be limited to ethnic minorities only, with intent to review and include other disadvantaged groups later. Some members of the work group feel that the narrow approach is not consistent with the concepts of diversity and cultural competency, which should enhance opportunities for all workers, including, but not limited to, minorities.

FACTS AFFECTING DIVERSITY ENHANCEMENT PLAN

Lack of Data. The lack of centralization of courts, especially those in the rural county and courts of limited jurisdiction, makes it extremely difficult and time consuming to gather any meaningful data on the current state of the work force in each area. We have a small data base, compiled by Carol Porter of the Human Resources Office for the AOC, which we can

use as a sample. While more data would be useful, we do not believe that a statistical study is a necessary precedent to setting a goal to enhance diversity. Unlike affirmative action plans, whose goal is simply to achieve parity in numbers, the concept of cultural competency encompasses the concept of creating a quality work environment that is welcoming to all types of people.

Need for Diversity. Through the hearings held by the Commission, it became obvious that the physical composition of the courts, including judges, staff, and related staff such as probation officers and treatment service providers, has a significant impact on the services or treatment of individuals going through the court system. Most frequently cited were communication problems and problems keeping appointments, which were attributed to cultural and language differences. Enhancement of diversity and cultural awareness, in the court work force would not only benefit the employees, but ultimately result in better service to the public.

Availability of Model Plans. We have identified a number of models and resources available to us, both locally and nationally, including programs used by other courts, the Statement of Goals For the Retention of Minorities and Women, the Minority Counsel Project adopted by the State Bar, and trainers and programs used by other Arizona employers. The programs include recruiting and career development. We will review the various projects. National level trainers we have contacted include Dr. Edwin Nichols, David Tulin, and Peggy Nagae. Local trainers include Anne M. Haynak, The Paradigm Group; and Stephen Hennessey and Sgt. Gerald Heuett of the Phoenix Police Department.

Lack of Incentives. We need to explore incentives and resources to promote an ongoing program to enhance workplace diversity. Currently there are none. We were surprised to learn, for example, that AOC does not have a position, equivalent to an equal opportunity officer, whose primary responsibility is to address diversity issues. Furthermore, many judges feel that they are too sophisticated to need diversity/cultural competency training. Efforts to promote cultural competency through training will not succeed without the support and leadership of the judges. We need active participation by non-minority judges. Initially, the only way to ensure exposure to cultural competency issues may be mandatory training through COJET.

CONCLUSION: WE NEED TO MANAGE DIVERSITY

On September 8, 1994, the Commission listened to a speech by ASU Professor Clay Dix on the "Value of Diversity." He described the demographic shifts that will create major political, social, and economic changes in American society. He emphasized how employers must address cultural diversity in terms of work force and marketing or be doomed to failure. To those familiar with the court system it is crystal clear that the courts are already seeing the effects of these changes. Moreover, the courts, unlike businesses, represent the very underpinnings of our society: law and order, justice, equality. If the credibility of the court system is eroded because it is anachronistic, the consequences to society will be catastrophic. To put it simply, we cannot afford to fail.

We must educate the present work force in the issues and dynamics of diversity. Recruitment efforts alone will not be enough to attract and retain minority workers in the current environment. Like a garden that needs to be cultivated, the current work force, which is

overwhelmingly homogeneous, must be prepared to confront issues that arise when people from difference backgrounds work together. Once an environment is created where minorities feel that they are welcome and can succeed, recruitment will not be difficult. In addition, education will address the service issues we have identified, which parity alone would not solve.

RECOMMENDATIONS

To immediately enhance work force diversity, we propose the following recommendations to the court:

- 1a. Revise budget priorities to establish a full-time diversity manager position in the Administrative Office of the Courts to develop and manage a permanent, comprehensive diversity program that includes a plan for delivery of cultural competency training to all levels of court personnel throughout the state.
- 1b. Alternatively use existing staff, to develop and coordinate training programs in the area of cultural diversity for both judicial and non-judicial personnel. The staff in charge of this program would be responsible for developing training courses, and to provide training and support for courts statewide that wish to develop their own programs. As part of the program, a student intern should be hired to support the cultural competency training program.
2. Require College of Judicial Education and Training (COJET) participants to take at least 2 hours per year in cultural competency related subjects, and offer such courses in each of the core areas of the COJET curriculum. For example, communicating with non-English speaking people could be offered in the core areas of Communication Skills or Dealing with the Public.
3. Adopt the Statement of Goals For the Retention of Minorities and Women promoted by the State Bar of Arizona (Appendices 4), or a similar statement.
4. Have the Administrative Office of the Courts continue to gather information on employee ethnicity and disabilities on a routine basis, in order to create a database for future work force diversity evaluation. (Note that in response to this recommendation the Administrative Office of the Courts has modified the annual court-wide personnel survey and initiated collection of demographic profile data. See Appendices 7.)

JUVENILE TREATMENT SERVICES

MEMBERSHIP

Jon Perez, Ph.D., Chair, Claudeen Arthur, Yolanda Saldate, Penny Willrich

As a preamble, the work group wishes to acknowledge the ongoing invaluable assistance of George Logan and Donna Noriega for their interest, full cooperation, and detailed knowledge of the juvenile justice system and involved agencies. While not members of the work group by tasking or job description, they have nonetheless voluntarily acted in such capacities to the benefit of the work group and the commission.

STATEMENT OF WORK GROUP GOALS

The work group on Juvenile Treatment Services was tasked with three goals by the Commission:

1. Develop a problem statement
2. Provide analysis of the problem(s) presented
3. Make recommendations to address the problem(s)

The self-imposed time frame for completion of these tasks was one year, with a final report to the Commission preferably by September 1995, but no later than December 1995. The scope and nature of the problems encountered have necessitate extending the completion date.

REPORT

The first task the work group defined for itself was to decide what it could reasonably accomplish within the time frames, given the number and complexity of multi-ethnic juvenile treatment issues readily identifiable. Among the most salient in the work group's opinion:

1. Over-representation of multi-ethnic youth within the juvenile justice system.
2. Difficulty with and/or resistance of multi-ethnic youth to avail themselves of treatment alternatives and to successfully complete such treatment.
3. Resistance of agencies to accept and treat multi-ethnic populations.
4. Minimal communication and cooperation among the manifold levels of bureaucracy, both governmental and private, related to the delivery of youth treatment services.

5. Lack of understanding and training for agencies regarding cultural diversity and appropriate treatment for diverse cultures.
6. Lack of apparent public awareness, understanding, or concern regarding multi-ethnic issues generally and multi-ethnic juvenile treatment specifically.

Any one of these six problem areas could easily occupy the work group's efforts for the year. After discussion, it was decided the work group's efforts could best be utilized in primarily gathering information on these six problem areas, providing preliminary analyses, and then making recommendations for longer term study or intervention in those areas. Defining and approaching the problem areas in this way would also accomplish the tasks defined by the Commission.

What follows first is a status report on each of the six major problem areas defined by the work group. Then, a recommendation for a more detailed data gathering effort will be presented.

STATUS REPORT BY PROBLEM AREA

1. Over-representation of multi-ethnic youth within the juvenile justice system.

This is the area where hard data is critical. Simply defining the extent to which our multi-ethnic youth are referred to the system is important to gauge level of need and/or level of actual representation. Not only is data required for Arizona, but also for the nation. This is not a problem specific to Arizona and there may be other states with other programs which may help guide our own interventions. While we may have to tailor our interventions to the specifics of our state and its political and social climate, having information from other places may save duplication of effort and help us formulate more appropriate programs here.

The subcommittee requested data from the Administrative Office of the Courts (AOC) and Department of Juvenile Corrections (DJC). The AOC provided demographic information on Arizona's juvenile population as well as juveniles processed by the court system.

The data indicated multi-ethnic youth were referred to the system at higher rates than their representation in the population, and were less likely to complete various probation programs. Further, multi-ethnic youth now comprise 42% of the youth population in the state. This data may be obtained from *Arizona Juvenile Population Demographics* and *Juveniles Processed in the Arizona Court System FY 94*, both published by AOC Juvenile Justice Services Division.

2. Difficulty with and/or resistance of multi-ethnic youth to avail themselves of treatment alternatives and to successfully complete such treatment.

Beginning with the various presenters to the Commission, then later through interviews with providers and juvenile justice officials, it is apparent that while multi-ethnic youth are disproportionately represented in referral rates, they are also less likely to either enter or successfully complete counseling/treatment.

At this stage of the subcommittee's investigation, it would appear there are several possible factors affecting this situation. Among them:

- a. Lack of financial resources. Any type of co-pay may be a financial burden. It's reported a co-pay of even \$5-\$10 can be a great financial burden for many of the families. This lack of financial resources may also be felt in not being able to provide transportation, etc. for counseling sessions. While referrals through AOC agencies do not require co-pay, we have found some courts using agencies or referrals not contracted with AOC for various reasons, including lack of available referral agencies in rural areas and lack of openings that cause long waiting lists in urban areas.
 - b. Lack of acceptance by treating agencies. This is primarily an issue for residential treatment referrals, but it may also affect outpatient referrals as well. This will be more fully explained in #3 below.
 - c. Lack of culturally sensitive programs. This is an area where there is much debate. While there are numerous providers and contractors, most offer fairly standard "traditional" treatment approaches, i.e., talk therapies, 50 minute hours, weekly sessions, etc. Further, multi-ethnic therapists are limited as are programs for specific cultural groups. The debate (at least the major one) is whether and to what extent ethnicity identity is required or desirable for treatment. The work group has not decided this issue at this time.
3. Resistance of agencies to accept and treat multi-ethnic populations.

This is an issue that is very troubling to the work group. Based upon reports from participating therapists/contractors (N=12) who spoke only on condition of anonymity, agencies are more hesitant to accept multi-cultural clients than white clients, particularly for residential care. The providers stated multi-cultural youth are usually the most difficult and resistant clients to treat. They stated they had liability concerns about treating such clients and a couple said they would prefer not to treat multi-cultural clients due to these difficulties.

To illustrate: A multi-cultural boy was accepted for group home placement. Within the week of admission this young man had somehow gained access to a pellet gun and shot out windows of several neighborhood houses. This caused the neighbors to seek to have this home's license revoked or the program moved. It took almost a year for things to calm. While it could have been a child of any ethnicity, and the person reporting readily admits this, it was the neighbors and neighborhood that had a very negative reaction. The

person reporting stated they purposely attempted to avoid accepting youth of a particular ethnicity for "a long time" in order to not further aggravate their neighbors.

4. Minimal communication and cooperation among the manifold levels of bureaucracy, both governmental and private, related to the delivery of youth treatment services .

This area includes courts, probation, police, social service, behavioral health, and various other private and public sector agencies involved with youth treatment. While agencies do communicate with one another on individual cases, there does not appear to be regular communication regarding issues of mutual concern, i.e., multi-ethnic youth. There are also other governmental commissions, task forces, etc. that are doing similar work to our own and about whom we have no knowledge, nor they of us. In comparison, an example of positive communication and cooperation is the standardizing of state contracting for juvenile services.

5. Lack of understanding and training for agencies regarding cultural diversity and treatment variables for diverse cultures.

It is the understanding of the subcommittee that while there are contractual clauses for the delivery of appropriate multi-cultural treatment services by contractors, there are no mechanisms to insure such treatment. It is further understood that governmental organizations involved with youth adjudication and disposition do not have any specific requirements to be trained in cultural diversity or competency.

6. Lack of apparent public awareness, understanding or concern regarding multi-ethnic issues generally and multi-ethnic juvenile treatment specifically.

This last concern will not be addressed specifically until the subcommittee has the necessary data and recommendations to propose public awareness strategies.

At the suggestion of the AOC and the work group, and with the full support of the Commission, it was recommended that a questionnaire to be sent to all AOC contractors and a representative sample of referred juveniles. In June 1995, the Juvenile Justice Services Division engaged Vicki Romero & Associates to conduct a provider survey. The results were submitted in August in a final report that substantiated some of the anecdotal information identified by the work group, and surfaced other critical service delivery problems, e.g., the extremely high turnover rate of direct care staff, and lack of cultural diversity training for direct care staff. The executive summary and table of contents from the *Survey of Arizona Juvenile Justice Service Providers* is included in Appendices 5.

Based on this data, as well as other available database analyses, the Commission makes the following recommendations. It is expected subsequent recommendations will be developed based upon further data gathering and analyses.

RECOMMENDATIONS

1. Develop curricula for and implement ongoing statewide diversity training for:
 - a. The executive, administrative and direct service staff of contract providers.
 - b. The judicial, administrative and probation service staff of the juvenile court and the Administrative Office of the Courts Juvenile Justice Services Division staff.
 - c. The executive, administrative and direct service staff of the Department of Juvenile Corrections.
2. Establish a task force composed of court officials, Department of Juvenile Corrections, law enforcement, contracted service providers, clients, and interested community members to develop culturally appropriate treatment strategies for involved multi-cultural youth, and assist in recruitment of bi-lingual, multi-cultural individuals for direct care positions within provider agencies.
3. Require contracted providers to provide information via annual reporting regarding the ethnic/gender mix of clients as well as staff.
4. Continued and increased financial and other support for innovative and/or experimental programs addressing multi-cultural needs.
5. Provide support directly through the Administrative Office of the Court or via contract to recruit qualified multi-ethnic applicants for direct care positions with treatment service providers.

LINKING INITIATIVES REPORT

MEMBERSHIP

Jesse B. Filkins, Jr., Chair, Alex Arredondo, Michael Baumstark, Hon. Francesca Cota

STATEMENT OF WORK GROUP GOALS

The work group on Linking Initiatives is charged with "coordinating with other public and private sector programs that seek to address the problem of over-representation of minority youth in the juvenile justice system." This charge has been slightly modified from that provided in the document creating the Commission on Minorities which sought to address the "problems created by" such over-representation. The Commission has agreed that the modification provides a focus that will better serve the intent of the Arizona Judicial Council.

The work group has discussed enlarging its scope to include a parallel review of over-representation of minorities in dependency cases in the Juvenile Court, i.e., those cases involving abuse and neglect of children. This has come about as the result of exposure to Professor Clay Dix's existing and continuing work in this area for the Department of Economic Security. We are advised that the possibility of reviewing over-representation of minorities in dependency cases in the Juvenile Court has been discussed at previous Commission meetings, although we were not present at the time of the discussion.

The Chair and Chief Justice Feldman, requested that the work group make a recommendation as to whether the Commission, as a whole, should provide support to the ad hoc committee for implementation of the recommendations of The Arizona Supreme Court Committee On More Effective Use Of Juries published in *Jurors: The Power of Twelve*, October 1994. It is anticipated that such support would be in the form of efforts to encourage and develop support in the minority communities for the legislative initiatives regarding implementation a "stratified jury system" selection process and increasing juror compensation, which are targeted to increase minority representation on superior court and municipal juries.

OBJECTIVES

1. Develop a comprehensive list of entities charged with or addressing issues related to the over-representation of minority youth in the juvenile justice system in Arizona.
2. Develop a comprehensive list of identifiable underlying causes for over-representation of minority youth in the juvenile justice system in Arizona.
3. Determine the range/scope of activities directed toward addressing the underlying causes/over-representation of minority youth in the juvenile justice system in Arizona.

4. Convene a forum of identified entities directed towards accomplishing maximum utilization of resources and exchanging ideas on the issue of over-representation of minority youth in the juvenile justice system in Arizona.
5. Encourage a coalition of entities to focus continued and periodic review/assessment/exchange of ideas/cooperative efforts and track the progress towards resolving the underlying causes of over-representation of minority youth in the juvenile justice system in Arizona.
6. As necessary, reconvene said coalition to support and lobby the Governor, Legislature, other governmental and non-profit agencies, public and private corporations, and concerned citizens on behalf of initiatives that target resolution of the problem of over-representation of minority youth in the juvenile justice system in Arizona.

OVER-REPRESENTATION OF MINORITIES IN THE JUVENILE JUSTICE SYSTEM

The work group attempted to engage a research entity to survey the field in Arizona and provide a comprehensive report of existing initiatives addressing the issue of over-representation of minorities in the juvenile justice system. For various reasons, we were unable to contract with a research organization to generate such information. Therefore, the work group undertook to identify and contact such groups directly.

Upon contacting Ms. Carole Coles Henry, Chair of the Minority Youth Issues Committee (MYIC) of the Arizona Juvenile Justice Advisory Council of the Governor's Division for Children, we found the MYIC, which had been inactive for more than one year, was being reactivated and desired to expand its channels of communication to interact with the minority communities to a greater extent than had been previously accomplished. The strategy selected was to develop a panel of community advisors made up of people involved in areas or working on issues involving minority youths. This dovetailed nicely with the subcommittee's objective to identify such persons and link their efforts to impact the problem of over-representation of minority youth in the juvenile justice system.

Workshops of interested entities were held at the Arizona Supreme Court building on November 16 and December 15, 1995, under the joint auspices of the MYIC and Linking Initiatives Work Group, with the financial support of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice. (A listing of the participants and entities represented at the conference can be found in Appendices 8.) OJJDP funds are available to the MYIC under a technical assistance grant authorized by the Juvenile Justice and Delinquency Prevention Act of 1992. Additionally, in 1993 Arizona and four other states received funds under the Act for a pilot study to address the issue of over-representation of minorities in the juvenile justice system (known as "disproportionate minority confinement" or "over-representation of minorities").

The workshops provided training on the issue of disproportionate representation of minorities in the juvenile justice system, and recruited conference attendees as Community Advisors to the MYIC. Working groups were formed which focused on legislation, community based prevention and intervention, training, education and secure confinement. (Rosters of the working groups are set forth in Appendices 9.) The working groups meet

independently to work on their particular agendas. Training for the seminar was provided by Community Research Associates of Colorado under its contract with OJJDP. Lynn A. Wiletsky, Program Manager in the Juvenile Justice Services Division of the Arizona Supreme Court, Administrative Office of the Courts serves as a member of the secure confinement working group.

The MYIC and Community Advisors last convened on January 26, 1996. These meetings have resulted in a combined, mutual effort by the Governor's Division For Children, the Office of the Maricopa County Attorney, the Office of the Arizona Attorney General, the Phoenix Police Department, the Arizona Supreme Court, other governmental and private entities to address the issues of disproportionate representation of minority youths in the juvenile justice system in Arizona.

Arizona's efforts received additional training and support through a Disproportionate Minority Confinement Planning & Strategy meeting held in Phoenix on February 3 and 4, 1996. The conference was sponsored by the Coalition for Juvenile Justice (CJJ). As Chair of the MYIC, Ms. Coles Henry is a member of the CJJ where she is Vice Chair/Secretary. Ms. Coles Henry developed and coordinated the conference which was attended by representatives of entities throughout the nation involved in the over-representation issue. (A copy of the MYIC 1995/96 Report to the Arizona Juvenile Justice Advisory council is included as Appendices 10.)

OVER-REPRESENTATION OF MINORITIES IN DEPENDENCY CASES IN ARIZONA

As indicated, this appears to be a natural extension of the issue of over-representation of minorities incarcerated in the Juvenile Justice System. We have just recently identified this as an area for study and look for approval to include it within our charge. Due to the slow progress regarding the over-representation of incarcerated minority youth, if approved, this issue will be wrapped into the initial project once that has been fully established.

JURY ISSUES REGARDING MINORITIES IN ARIZONA COURTS

The request for a recommendation regarding Commission support for implementation of the jury reform initiatives is newly assigned to the work group. Judge Francesca Cota and Alex Arredondo have been assigned the lead in this area. Our initial impression of this effort is favorable.

RECOMMENDATIONS

1. The Court should continue to support the efforts of state and local government agencies and private organizations to reduce the numbers of minority youths in the juvenile justice system and secure confinement facilities, by maintaining a liaison with the activities of the Minority Youth Issues Committee (MYIC), and by linking with similarly directed entities of which it may become aware.

2. The Juvenile Justice Service Division of the Administrative Office of the Courts should continue to provide technical assistance and financial support to the working groups under MYIC.
3. The Commission should conduct community forums to educate minority communities regarding juvenile justice issues in Arizona.
4. The Commission should continue the Linking Initiatives Work Group's efforts with the MYIC to develop a working relationship (link) with the Arizona legislature.
5. The Commission should review the issue of over-representation of minorities in dependency cases as a natural extension of over-representation of minorities in the juvenile justice system.
6. The Commission should continue to support implementation of the jury reform recommendations reported in *Jurors: The Power of Twelve*, report of the Arizona Supreme Court, Committee on More Effective Use of Juries, October, 1994.